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APR 13 2005

**FACSIMILE COVER SHEET**

DATE: April 13, 2005

TO: Examiner Mary E. Ceperley  
TC Art Unit: 1641

Fax No.: (703) 872 9306

FROM: Holliday C. Heine, Ph.D.

No. of pages transmitted  
(including this page): 5

Our File: MBP-010XX

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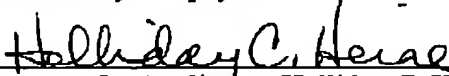
Your Ref:

Sent by: Rose

Application No. 10/070,302

Filed Date: May 1, 2002

Confirmation No.: 2837

A confirmation copy of this transmission will not be mailed unless the following is checked: [ ]  
MESSAGEPLEASE DELIVER DIRECTLY TO:  
EXAMINER Mary E. Ceperley, Tel. (571) 272-0813  
TC ART UNIT NO: 1641**FOR ENTRY**Enclosed for filing please find a: Interview Summary and Remarks including  
Request for an additional differential second month  
Extension of TimeThe Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional  
filing fees associated with this communication or credit any overpayment.  
Attorney for Applicant: Holliday C. Heine, Ph.D.  
Registration No. 34346

320017-1

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APR 13 2005

Application No.: 10/070,302

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Rev 12/04

WEINGARTEN, SCHURGIN, GAGNEBIN &amp; LEBOVICI LLP

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Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: April 1, 2005

Attorney

Docket No.: MBP-010XX

Sir:

In re application of: Daniel R. Dietrich et al.

Entitled: CONGENER INDEPENDENT DETECTION OF MICROCYSTIN AND NODULARIN CONGENERES

Transmitted herewith is an Interview Summary in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ ) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on per §1.116.
- ☒ A Petition for Extension of Time for an additional (second) month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$225.00 less previously authorized amount \$120.00 = \$105.00) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	2 - 3	= -0-	x \$200.00 =	0
Total	21 - 28	= -0-	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				
TOTAL ADDITIONAL FEE				0

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ ) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Mary E. Ceperley, TC Art Unit 1641, Fax No. (703) 872 9306, on April 13, 2005

Holliday C. Heine  
 Attorney of Record: Holliday C. Heine, Ph.D.  
 Registration No.: 34346

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APR 13 2005

PATENT

Rev 06/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Daniel R. Dietrich et al.  
Application No. : 10/070,302  
Filed : May 1, 2002  
Confirmation No. : 2837  
For : CONGENER INDEPENDENT DETECTION OF  
MICROCYSTIN AND NODULARIN CONGENERS  
Examiner : Mary E. Ceperley  
Attorney Docket : MBP-010XX

TC Art Unit: 1641

\*\*\*\*\*  
I hereby certify that this correspondence is being sent via  
facsimile to Examiner Mary E. Ceperley, TC Art Unit 1641, Fax No.  
(703)872-9306, on April 13, 2005.

By:

Holliday C. Heine  
Holliday C. Heine, Ph.D.  
Registration No. 34,346  
Attorney for Applicant(s)

\*\*\*\*\*

INTERVIEW SUMMARY AND REMARKS

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being submitted as an APPLICANTS' INTERVIEW SUMMARY of the undersigned attorney's telephone interview on April 1, 2005 with Examiner Ceperley and as EXPLANATORY REMARKS concerning the sequence of events surrounding the telephone interview.

Application No. 10/070,302

Filed: May 1, 2002

TC Art Unit: 1641

Confirmation No.: 2837

Status of the Application - A Notice of Appeal was filed in this application on December 28, 2004. The 2<sup>nd</sup> month extension due date for filing an Appeal Brief or a Request for Continued Examination is April 28, 2005.

On March 18, 2005, following a telephone interview that day with the Examiner, the Applicants submitted a Supplemental Amendment to the claims in response to the Advisory Action dated January 26, 2005.

On April 1, 2005, the Examiner called Mr. Travis Wilson, associate to the undersigned attorney, with advance notice that she had prepared an additional Advisory Action. As a courtesy, she e-mailed the Advisory Action to Mr. Wilson. Following a telephone interview with the Examiner later that day, Mr. Wilson and the undersigned attorney submitted an additional Supplemental Amendment containing the claim amendments and remarks agreed upon in the interview with the Examiner.

The USPTO then mailed out the same Advisory Action on April 5, 2005.

The Applicants point out that the Supplemental Amendment submitted on April 1, 2005 served as a response to this most recent Advisory Action, officially dated April 5, 2005 but first received via e-mail on April 1, 2005.

In Part 1a of the Advisory Action, the Examiner requests amendment to claim 1, which would place the claim in condition for allowance. As was agreed to in the April 1<sup>st</sup> telephone interview, that amendment was made in the Applicants' April 1<sup>st</sup> Supplemental Amendment.

In Part 1b of the Advisory Action, the Examiner pointed out that an earlier 35 USC 112, first paragraph, rejection had not been addressed. In the April 1<sup>st</sup> telephone interview, the

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Applicants' attorneys and the Examiner discussed argument and explanation that would overcome the rejection. These points were then put into writing in the Applicants' April 1<sup>st</sup> Supplemental Amendment.

Thus, the Applicants submit that they have already fully addressed the outstanding issues in the Advisory Action dated April 5, 2005, to the Examiner's satisfaction, by submission of the April 1<sup>st</sup> Supplemental Amendment.

Based on the remarks presented herein, reconsideration and withdrawal of the maintained rejections and allowance of the application with the pending claims are respectfully requested.

The Examiner is also encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

DANIEL R. DIETRICH ET AL.

By: Holliday C. Heine  
Holliday C. Heine, Ph.D.  
Registration No. 34,346  
Attorney for Applicant(s)

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